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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,141	12/15/2003	Ajit P. Joshi	42P16772	6353
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INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER HAILE, AWET A	
			ART UNIT 2609	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/737,141

Applicant(s)

JOSHI ET AL.

Examiner

Awet A. Haile

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) —
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objection

1. Claims 8-12, 20 – 24 and 35 -39 are objected to under 37 CFR 1.75 because of the following informalities

For claim 8 line 1, the occurrence of “transcaling” seems to refer back to “wherein transcaling “ previously recited in claim 1 line 9, if this is true, it is suggested to applicant to change “transcaling” to -- the transcaling --. Similar problem exist in claim 20 line 1, claim 36 line 1.

For claim 9 line 1, the occurrence of “transrating” seems to refer back to “wherein transrating “ previously recited in claim 1 line 9, if this is true, it is suggested to applicant to change “transrating” to -- the transrating --. Similar problem exist in claim 21 line 1, claim 37 line 1.

For claim 10 line 1, the occurrence of “transcoding” seems to refer back to “wherein transcoding “ previously recited in claim 1 line 9, if this is true, it is suggested to applicant to change “transcoding” to -- the transcoding --. Similar problem exist in claim 22 line 1, claim 35 line 1.

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For claim 11 line 1, the occurrence of “formatting” seems to refer back to “wherein formatting “ previously recited in claim 1 line 9, if this is true, it is suggested to applicant to change “formatting” to -- the formatting --. Similar problem exist in claim 23 line 1, claim 35 line 1, and claim 38 line 1.

For claim 12 line 1, the occurrence of “transcribing” seems to refer back to “wherein transcribing “ previously recited in claim 1 line 9, if this is true, it is suggested to applicant to change “transcribing” to -- the transcribing --. Similar problem exist in claim 24 line 1, claim 39 line 1.

Claim Rejections – 35 USC§ 112

2. The following is a quotation of the second paragraph of 35 U.S.C 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 8 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 3 line 4, the occurrence of “the required platform” has no antecedent basis.

Claim 4 is rejected to because it depends on an objected claim. Appropriate correction is required.

Claim Rejections – 35 USC§ 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 is directed to a non-statutory subject matter because the claim recites, " a storage medium having a plurality of machine-accessible instructions " which is not a useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.

Note: To overcome the rejection, it is suggested to the applicant to amend the claims to be written in terms of "computer" readable medium, stored with, embodied with or encoded with a "computer" program or computer executable instructions.

Claim Rejection – 35 USC§ 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1- 5, 10,11, 13-17,22,23, 31- 35, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Dureau ((2003/0135860 A1).
8. For claims 1- 5, 10,11, 13-17,22,23, 31- 35, and 38 Dureau discloses a multimedia conversion method comprising: enabling a user to select a media item that the user desires to have played on a particular rendering device on a network (see paragraph 34, lines 37-38); requesting the media item from a service provider; receiving the media item determining whether the media item needs intelligent transcoding to be played on the particular rendering device, wherein if the media item needs intelligent transcoding, then intelligently transcoding the media item, wherein intelligent transcoding includes one or more of transcoding, transcaling, transrating, transformattng, and transcribing; and streaming the media item to the particular rendering device (see paragraph 34) as recited in claim1 and 13. Determining whether the media item needs intelligent

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transcoding to be played on the particular rendering device further comprises determining whether intelligent transcoding can be performed (see figure 6 or see paragraph 47 lines 12-14) as recited in claim 2 and 14. Determining whether the format of the media item can be transcoded; determining whether the required platform usage to perform intelligent transcoding is available (See figure 6) and determining whether there is enough bandwidth on the network to perform intelligent transcoding (paragraph 34 lines 50 – 55) as recited in claim 3 and 15. Determining whether the format of the media item can be transcoded comprises using a rules engine to look up rules, based on policy, to determine whether the format of the media item can be transcoded (see paragraph 43, lines 13-17) as recited in claim 4 - 16. Determining whether the media item needs intelligent transcoding to be played on the particular rendering device includes determining device capabilities for the particular rendering device and determining whether the media format of the media item can be played on the particular rendering device (see paragraph 47) as recited in claim 5 and 17. Transcoding comprises converting the format of the media item into another media format (see paragraph 42, lines 1-6) as recited in claim 10; 22 and 35. Transformatting comprises packaging of the media format to another media packaging format (see paragraph 39, lines 1-9) as recited in claim 11, 23 and 38. A home network comprising: a controller to control the flow of digital multimedia content from one or more service providers (see figure 30) a plurality of rendering devices, coupled to the controller, to play the digital multimedia content; and a media renderer to connect one or more of the plurality of rendering devices to the controller; the controller comprises an intelligent transcoding engine to transcode the

digital multimedia content from an original media format to a format suitable for at least one of the rendering devices(see paragraph 33) as recited in claim 31. The controller comprises at least one of a media center, a set top box, a personal computer, a home server, and a workstation(see paragraph 23, lines 1- 18) as recited in claim 32. The one or more rendering devices connected to the controller by the media renderer are incapable of directly connecting to the controller (see paragraph 36, lines 1-7) as recited in claim 33. The intelligent transcoding engine is used for intelligent transcoding, wherein intelligent transcoding comprises one or more of transcoding, transcaling, transrating, transformatting, and transcribing (see paragraph 36, lines 7-9) as recited in claim 34.

Claim Rejection – 35 USC§ 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 12, 24, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau in view of Safadi (2003/0126086 A1).

For claims 12, 24, 39 Dureau discloses all the subject matter with the exception of converting a-Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme as recited in claims 12, 24, 39.

Safadi from the same field of endeavor teaches transcribing comprises converting a-Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme (see paragraph 17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the DRM proxy device 120 as taught by Safadi in to the NG receiver 340 of Dureau the motivation for doing this is to establish secure connection between the NG receiver 340 and the rendering devices.

12. Claims 6-8, 18-20 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau in view of Sull et al (US 2002/0069218 A1).

For claims 6-8, 18-20 and 36 Dureau discloses all the subject matter with the exception of the control points and discovery methods are used to determine the device capabilities as recited in claim 6 and 18. A metadata server is used to determine the device capabilities as

recited in claim 7 and 19. The transcaling comprises changing the resolution of the media item as recited in claim 8, 20 and 36.

Sull et al from the same field of endeavor teaches the control points and discovery methods are used to determine the device capabilities: a metadata server is used to determine the device capabilities (see paragraph 58) .The transcaling comprises changing the resolution of the media item (see paragraph 488)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a metadata server, the use of transcaling and control points and discovery methods as thought by Sull et al in to the transcode subsystem 310 of Dureau. The motivation for doing this is to enable the rendering devices connected to the NG receiver 340 to display images according to the required resolution.

13. Claims 9, 21 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau in view of Sezer et al (US 6959116 B2).

For claims 9, 21 and 37 Dureau discloses all the subject matter with the exception of transrating comprises changing or reducing the bitrate of the media item as recited in claims 9,21and37.

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Sezer et al from the same field of endeavor teach transrating comprises changing or reducing the bitrate of the media item (See column 52, lines 1 –8)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of transrating as taught by Sezer et al in to the transcode subsystem 310 of Dureau. The motivation for doing this is to enable the rendering devices with the low bit rate to connect to the NG receiver 340.

14. Claims 25,26,29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau in view of Amini et al (US 6581102 B1).

For claims 25,26, 29, 30 Dureau discloses a policy manager to provide rules defining applicable media formats in which a particular media format can be transcoded.

Transcoding which includes one or more of transcoding, transcaling, transrating, transformatting, and transcribing to transform a media format from a service provider to another media format for a rendering device for playing media on the rendering device (see paragraph 34) as recited in claim 25, a demultiplexer to separate the media input into video and audio components; a multiplexer to combine the transcoded video and audio components into media data (see paragraph 39, lines 1-7) as recited in claim 26. A back channel manager to communicate out of band commands to applications. The policy determines a required platform usage for a particular media format conversion (see paragraph 38, lines 1- 26).

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However Dureau fail to teach the graph manager which puts together an infrastructure for intelligent transcoding and enables intelligent transcoding to be performed as recited in claim 25. A capture filter to capture media input; and a network filter to filter the media data for streaming to the rendering device as recited in claim 26.

Amini et al from the same field of endeavor teaches the transport manager to communicate with an application to provide device characteristics and policy information to a graph manager the graph manager puts together an infrastructure for intelligent transcoding and enables intelligent transcoding to be performed (see column 3, lines 44-58). A capture filter to capture media input; and a network filter to filter the media data for streaming to the rendering device (see column 16 lines 5 –28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the graph manager, capture filter and the network filter as taught by Amini et al in to the NG receiver 340 of Dureau the motivation for doing this is to interconnect different processing components.

15. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau and Amini et al as applied to claim 25 and 26 above, and further in view of Crouch et al (US 2004/0207724A1)

For claims 27 and 28 Dureau and Amini et al disclose all the subject matter with the exception of. The media data is streamed using HTTP (Hypertext Transport Protocol) as recited in claim 27; the media data is streamed using RTP (Real-Time Transport Protocol) as recited in claim 28.

Crouch et al from the same field of endeavor teaches the media data is streamed using HTTP (Hypertext Transport Protocol); the media data is streamed using RTP (Real-Time Transport Protocol (see paragraph 24)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of streaming the media data using HTTP and RTP as taught by Crouch et al in to the NG receiver 340 as thought by Dureau the motivation for doing this is to increase the connectivity of the NG receiver.

Conclusion

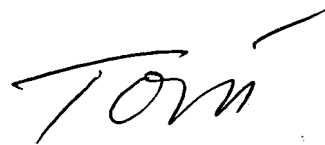
16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dal Canto et al (US 2003/0217166 A1), Brooks et al (US 7047305 B1), Zhang et al (US 2004/0111749 A1) are recited to show intelligent transcoding.
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Awet Haile whose telephone number is (571) 270-3114. The examiner can normally be reached on Monday - Thursday 10:00 AM – 5:00 PM

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EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton, can be reached on (571) 272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, Call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A. H



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SUPERVISORY PATENT EXAMINER